2

STANDING COMMITTEE ON LABOUR AND WELFARE (1993-94)

TENTH LOK SABHA

THE NATIONAL COMMISSION FOR SAFAI KARAMCHARIS BILL, 1993

SECOND REPORT

LOK SABHA SECRETARIAT
NEW DELHI

August, 1993/Sravana, 1915 (Saka)

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ON
LABOUR AND WELFARE
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Presented to Lok Sabha on 6.8.1993
Laid in Rajya Sabha on 6.8.1993

LOK SABHA SECRETARIAT
NEW DELHI

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COMPOSITION OF THE STANDING COMMITTEE ON LABOUR AND WELFARE (1993-94)

Shrimati Chandra Prabha Urs —*Chairperson*

MEMBERS

Lok Sabha

2. Shri D.K. Naikar
3. Shri S.B. Thorat
4. Shri Bheru Lal Meena
5. Shri K. Pradhani
6. Smt. Kamala Kumari Karreodula
7. Kumari Padmasree Kudumula
8. Shri Siddappa Bhimappa Nyamagoudar
9. Dr. P. Vallal Peruman
10. Dr. Chinta Mohan
11. Shri A. Prathap Sai
12. Shri B. Akbar Pasha
13. Shri Ramesh Chennithala
14. Shri Gaya Prasad Kori
15. Shri B. Dattatraya
16. Shri Chandubhai Deshmukh
17. Prof. Rasa Singh Rawat
18. Shri Ram Narain Berwa
19. Shri Shiv Raj Singh Chauhan
20. Shri Swami Sureshanand
21. Shri Mahendra Baitha
22. Shri V.P. Singh
23. Shri Govinda Chandra Munda
24. Shri Ajoy Mukhopadhyay
25. Shri Rup Chand Murmu
26. Shri Vishwa Nath Shastri
27. Dr. R. Sridharan
28. Shri Ram Sagar
29. Shri Yaima Singh Yumnam
30. Shri Satyendra Nath Brohmo Chaudhury

Rajya Sabha

31. Shri Mohammed Amin
32. Maulana Obaidulla Khan Azmi
33. Shri N.E. Balaram
34. Shri Sushil Barongpa

35. Shrimati Vidya Beniwal
36. Shri Murlidhar Chandrakant Bhandare
37. Dr. Faguni Ram
38. Shri Anand Prakash Gautam
39. Shri Gundappa Korwar
40. Shri S. Muthu Mani
41. Shri Kameshwar Paswan
42. Shri Narendra Pradhan
43. Shri Ram Ratan Ram
44. Shrimati Ratan Kumari

SECRETARIAT

1. Shri G.L. Batra — *Additional Secretary*
2. Shri K.M. Mittal — *Deputy Secretary*
3. Shri R.S. Misra — *Committee Officer*

INTRODUCTION

I, the Chairperson of the Standing Committee on Labour and Welfare (1993-94) to which the Bill to constitute a National Commission for Safai Karamcharis and to provide for matters connected therewith or incidental thereto, was referred by the Speaker under Rule 331E (b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination having been authorised to finalise and submit the Report on their behalf, present this Report.

2. The Bill was introduced in Lok Sabha on 4 May, 1993 and published in the Gazette of India, Extraordinary, Part-II, Section 2, dated 4th May, 1993. Considering the time constraint in which the Committee had to work, the Committee held only one sitting when they considered the Bill.

NEW DELHI;
August 5, 1993
Sravana 14, 1915 (Saka)

CHANDRA PRABHA URS,
Chairperson,
Standing Committee on
Labour & Welfare.

REPORT OF THE COMMITTEE

The Committee have noted that the proposal for constituting a National Commission for Safai Karamcharis had been inspired by the fact that the persons engaged in the scavenging work are the weakest section of the society, who are subjected to severest forms of exploitation, economic deprivation and social injustice. Despite the efforts made so far for their social, economic, educational development, the degrading practice of manually handling of night soil still continues in large parts of the country. The programme of liberation and rehabilitation of scavengers was taken up initially under the Protection of Civil Rights Act, 1955, considering that this practice is linked to the evil practice of untouchability. The scheme was modified in 1991 and the conversion of dry latrines and construction of new flush latrines was put under the control of the Ministry of Urban Development whereas the responsibility of rehabilitation of scavengers was of the Ministry of Welfare.

2. The scheme is being implemented by the State Scheduled Castes Development Corporations set up in the States. There is no agency at the Central level to study, evaluate and monitor the scheme of liberation and rehabilitation of scavengers. The National Commission for Scheduled Castes and Scheduled Tribes's scope is limited to Scheduled Castes and Scheduled Tribes whereas scavengers (or commonly known as "Safaikaramcharis") belong to other communities also. Keeping in view this fact, the Bill aims at establishment of a separate National Commission for monitoring the scheme for the liberation and rehabilitation of Safai Karamcharis.

3. Clause 3 of the Bill provides that the Commission shall consist of a Chairperson, a Vice-Chairperson and five Members to be nominated from amongst the persons of eminence connected with the socio-economic development and welfare of Safai Karamcharis, by the Central Government.

4. The Committee recommend that the Chairperson or Vice-Chairperson and three out of five Members, including the woman Member, should be from Safai Karamcharis.

5. It has been provided in clause 4 of the Bill that the term of the Chairperson, Vice-Chairperson and Members shall be for a period not exceeding three years. The Committee are of the view that the term of the Commission should be five years instead of three years.

6. Clause 8 of the Bill details the functions and powers of the Commission. After considering this clause in detail, the Committee feel that the persons engaged in or employed for manually carrying human excreta till today and not included so far in the list of Safai Karamcharis should be brought under the purview of the National Commission for Safai Karamcharis Act and a list should be prepared after conducting a survey at District/Block levels with the help of respective State Governments.

7. The Committee further recommend that the implementation of the various programmes and schemes relating to Safai Karamcharis should be entrusted to the District Welfare Officers and they should be held responsible for the proper implementation of the Act.

8. In clause 15 of the Bill, which empowers the Government to make rules for carrying out the provisions of the Act, rules regarding other matters which are required to be made under part (c) of sub-clause (2), these should be made in consultation with the Commission.

9. The Committee strongly feel that the scope of the Bill should be restricted only to Safai Karamcharis who are engaged in the profession for generations as otherwise the whole purpose of the Bill will be defeated.

NEW DELHI;
August 5, 1993
Sravana 14, 1915 (Saka)

CHANDRA PRABHA URS,
Chairperson,
Standing Committee on Labour and Welfare.

ANNEXURE

MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE ON LABOUR AND WELFARE (1993-94)

The Committee met on Thursday, 5 August, 1993 from 9:30 hrs. to 10.45 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shrimati Chandra Prabha Urs — *Chairperson*

MEMBERS

Lok Sabha

2. Shri S.B. Thorat
3. Shri Bheru Lal Meena
4. Dr. P. Vallal Peruman
5. Shri B. Akbar Pasha
6. Shri Gaya Prasad Kori
7. Shri B. Dattatraya
8. Prof. Rasa Singh Rawat
9. Shri Mahendra Baitha
10. Shri Rup Chand Murmu
11. Shri Vishwa Nath Shastri
12. Shri Yaima Singh Yumnam
13. Shri Satyendra Nath Brohmo Chaudhury

Rajya Sabha

14. Dr. Faguni Ram
15. Shri Anand Prakash Gautam
16. Shri S. Muthu Mani
17. Shri Ram Ratan Ram

SECRETARIAT

1. Shri K.M. Mittal — *Deputy Secretary*
2. Shri R.S. Misra — *Committee Officer*

The Committee considered the Bill to constitute a National Commission for Safai Karamcharis and to provide for matter connected therewith or incidental thereto which was referred by the Speaker under Rule 331 E (b) of the Rules of Procedure and Conduct of Business in Lok Sabha. The following amendments were suggested during the discussion:—

(i) The Chairperson or Vice-Chairperson and three out of five members, including the woman member as provided in the National Commission for Safai Karamchari Bill should be appointed from the Safai Karamcharis.

(ii) The term of the Commission should be five years instead of three years.

(iii) The persons engaged in or employed for manually carrying human excreta till today and not included so far in the list of Safai Karamcharis should be brought under the purview of the National Commission for Safai Karamcharis and a list should be prepared after conducting a survey at District/ Block levels with the help of respective State Governments.

(iv) The implementation of various programmes and schemes relating to Safai Karamcharis should be entrusted to the District Welfare Officers and they should be held responsible for the proper implementation of the Act.

(v) In Clause 15 of the Bill which empowers the Government to make rules for carrying out the provisions of the Act, rules regarding other matters which are required to be made under Part (c) of Sub-Clause (2), these should be made in consultation with the Commission.

(vi) The scope of the Bill should be restricted only to Safai Karamcharis who are engaged in the profession for generations as otherwise the whole purpose of the Bill will be defeated.

The Committee authorised the Chairperson to finalise the Report in the light of amendments suggested by the Members and present the same to the House.

The Committee then adjourned.

APPENDIX

Summary of Recommendations/Conclusions

Sl. No.	Para No.	Summary of Recommendations/Conclusions
1.	4.	The Committee recommend that the Chairperson or Vice-Chairperson and three out of five Members, including the woman Member, should be from Safai Karamcharis.
2.	5.	The Committee are of the view that the term of the Commission should be five years instead of three years.
3.	6.	The Committee feel that the persons engaged in or employed for manually carrying human excreta till today and not included so far in the list of Safai Karamcharis should be brought under the purview of the National Commission for Safai Karamcharis Act and a list should be prepared after conducting a survey at District/Block levels with the help of respective State Governments.
4.	7.	The Committee further recommend that the implementation of the various programmes and schemes relating to Safai Karamcharis should be entrusted to the District Welfare Officers and they should be held responsible for the proper implementation of the Act.
5.	8.	In clause 15 of the Bill, which empowers the Government to make rules for carrying out the provisions of the Act, rules regarding other matters which are required to be made under part (c) of sub-clause (2), these should be made in consultation with the Commission.
6.	9.	The Committee strongly feel that the scope of the Bill should be restricted only to Safai Karamcharis who are engaged in the profession for generations as otherwise the whole purpose of the Bill will be defeated.